

ESTTA Tracking number: **ESTTA166235**

Filing date: **10/02/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176956
Party	Plaintiff Stella Cadente Sarl
Correspondence Address	Jess M. Collen Collen IP Intellectual Property Law P.C. The Holyoke Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES bemattes@kleinbergler.com, mkleinberg@kleinbergler.com, ltajos@kleinbergler.com, jgerson@collenip.com
Submission	Motion to Consolidate
Filer's Name	Joanna B. Gerson
Filer's e-mail	jgerson@collenip.com, pmulhern@collenip.com, tgulick@collenip.com
Signature	/ Joanna B. Gerson /
Date	10/02/2007
Attachments	F557 Joint Motion to Consolidate proceedings.pdf (6 pages)(187511 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X		
Sweet People Apparel, Inc.	:	
	:	Opposition No. 91172495
Opposer,	:	
	:	Mark: MISS ME STELLA
	:	CADENTE
v.	:	
	:	Serial No. 79/009,779
Stella Cadente, Sarl	:	
	:	
Applicant.	:	
-----X		
Stella Cadente, Sarl	:	
	:	Opposition No. 91175775
Opposer,	:	
	:	Mark: M MISS ME
-against-	:	
	:	Serial No. 78/762,521
	:	
Sweet People Apparel, Inc.	:	
Applicant.	:	
-----X		
Stella Cadente, Sarl	:	
	:	Opposition No. 91176956
Opposer,	:	
	:	Mark: MISS ME
-against-	:	
	:	Serial No. 78/760,331
	:	
Sweet People Apparel, Inc.	:	
Applicant.	:	
-----X		

JOINT MOTION TO CONSOLIDATE RELATED OPPOSITION PROCEEDINGS

Stella Cadente Sarl (hereinafter, "Stella Cadente"), by its attorneys COLLEN IP, and Sweet People Apparel, Inc. (hereinafter, "Sweet People"), by its attorneys Kleinberg & Lerner, pursuant to Federal Rules of Civil Procedure 42(a) and TBMP § 511, jointly move the

Trademark Trial and Appeal Board (hereinafter, "TTAB") to consolidate Opposition Proceedings Opposition No. 91172495, Opposition No. 91175775, and Opposition No. 91176956. The parties respectfully submit that consolidation of these proceedings is appropriate as the proceedings involve the same parties as well as common questions of law and fact.

Opposition No. 91172495 was filed by Sweet People on August 21, 2006 against Stella Cadente's application to register the mark MISS ME STELLA CADENTE (& Design), the subject of Serial No. 79/009,779. Stella Cadente filed an answer thereto on October 2, 2006; accordingly, issue has joined.

Said Stella Cadente application seeks registration for perfumes, eau de toilette, eau de Cologne, cosmetic products for various parts of the human body namely beauty creams, beauty serums, beauty milks, beauty lotions, tonic lotions for the face and body, beauty masks, beauty gels, cosmetic oils, make-up removing milks, make-up removing rinses, toilet soaps, scrubbing and exfoliating preparations for the face and body, powders for the face and body, talcum powders, make-up preparations for the face and body, personal deodorants, hair care products in the nature of gels, waxes, mousses and sprays, hair lotions, hair shampoos, bath and shower preparations in the nature of gels, lotions, creams, oils, mousses and foams, products which refresh the skin in aerosol form, skin moisturizers, toiletries, and scented products for babies, namely powders, creams, lotions, oils and soaps in International Class 003 (hereafter, "Stella Cadente Goods"). Sweet People alleges ownership of the mark MISS ME in connection with a men's, women's, children's apparel namely shirts, blouses, jeans, trousers, slacks, coats and dresses in International Class 025.

Sweet People alleges that the mark MISS ME STELLA CADENTE (& Design), when used in connection with the goods/services set forth in Serial No.79/009,779, is confusingly similar to Sweet People's mark MISS ME (stylized) and that, therefore, registration of MISS ME STELLA CADENTE (& Design) is likely to cause confusion with Sweet People's rights in its mark MISS ME. Stella Cadente has denied these allegations.

Stella Cadente's Affirmative Defenses include the allegation that it is the senior user of the mark.

Opposition No. 91175775 was filed by Stella Cadente on November 13, 2006 against Sweet People's application to register the mark M MISS ME (stylized), the subject of Serial No. 78/762,521. Sweet People filed an answer thereto on July 2, 2007; accordingly, issue has joined.

Said Sweet People application seeks registration for blouses; camisoles; cardigans; dresses; frocks; jackets; jeans; pants; scarves; shirts; skirts and dresses; slacks; sweaters; swim wear; t-shirts; trousers; vests in International Class 025.

Stella Cadente alleges ownership of the mark MISS ME STELLA CADENTE (& Design) in connection with the Stella Cadente Goods (as defined above). Sweet People has denied this allegation.

Stella Cadente further alleges that the overall commercial impression of M MISS ME (stylized) mark, when applied to the same or similar goods offered by Stella Cadente, would cause confusion or be likely to cause confusion, mistake or deception. Sweet People denies this allegation.

Sweet People's Affirmative Defenses include the allegation that its rights to the mark MISS ME (stylized) are superior to any rights Stella Cadente may claim to the mark MISS ME STELLA CADENTE (& Design).

Opposition No. 91176956 was filed by Stella Cadente on November 13, 2006 against Sweet People's application to register the mark MISS ME (stylized), the subject of Serial No. 78/760,331. Sweet People filed an answer thereto on July 3, 2007, accordingly, issue has joined.

Said Sweet People application seeks registration for blouses; camisoles; cardigans; coats for men and women; dresses; jackets; jeans; men and women jackets, coats, trousers, vests; pants; scarves; shirts; skirts and dresses; slacks; sweaters; swim wear for gentlemen and ladies; t-shirts; trousers; vests in International Class 025.

The counts and corresponding responses in this Notice of Opposition are nearly identical to those in Opposition No. 91175775.

In light of the foregoing synopsis of pending Opposition Proceedings Opposition No. 91172495, Opposition No. 91175775, and Opposition No. 91176956, the parties jointly submit that consolidation of the proceedings is appropriate as it will tend to avoid unnecessary costs or delay.

Assuming that the TTAB concurs with the parties that consolidation is appropriate, the parties jointly request that the TTAB reset trial dates for the consolidated proceeding by adopting the trial dates as set in the parent proceeding, Opposition No. 91172495, as follows:

Proceedings Resume:	11/10/07
Discovery Period to Close:	2/8/08
30-day testimony period for party in	

position of plaintiff to close: 5/8/08

30-day testimony period for party in
position of defendant to close: 7/07/08

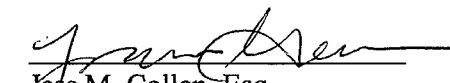
15-day rebuttal testimony period
to close: 8/21/08

The parties respectfully request that the proceedings be consolidated and the trial dates be
scheduled as set forth above, in accordance with TBMP § 511.

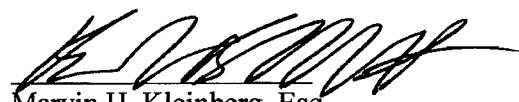
Respectfully submitted,
Stella Cadente Sarl

Respectfully submitted,
Sweet People Apparel, Inc.

By:


Jess M. Collen, Esq.
Joanna Gerson, Esq.
COLLEN IP
The Holyoke- Manhattan Building
80 South Highland Avenue
Ossining, New York 10562
(914) 941-5668

By:


Marvin H. Kleinberg, Esq.
Bradford E. Mattes, Esq.
Kleinberg & Lerner, LLP
2049 Century Park East
Suite 1080
Los Angeles, California 90067
(310) 557-1511

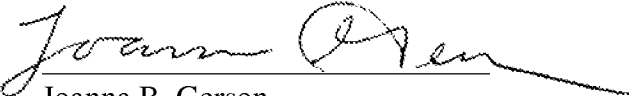
Dated: ~~September~~ ^{October 2}, 2007

Dated: September 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2007, I caused a true copy of the foregoing Joint Motion to Consolidate Related Opposition Proceedings to be served by first class mail upon Joint Movant, Sweet People Apparel, Inc., by United States First Class Mail, addressed to Joint Movant's counsel of record as follows:

Marvin H. Kleinberg
Bradford E. Mattes
Kleinberg & Lerner, LLP
2049 Century Park East, Suite 1080
Los Angeles, California 90067
Phone: (310) 557-1511 x3016
Fax: (310) 557-1540


Joanna B. Gerson